

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE AND CLAIMS

Call to Order: By **CHAIRMAN TRUDI SCHMIDT**, on April 11, 2007 at 6:00 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Sen. Trudi Schmidt, Chairman (D)
Sen. Keith Bales (R)
Sen. Gregory D. Barkus (R)
Sen. John Brueggeman (R)
Sen. John Cobb (R)
Sen. Mike Cooney (D)
Sen. Steven Gallus (D)
Sen. Ken (Kim) Hansen (D)
Sen. Bob Hawks (D)
Sen. Rick Laible (R)
Sen. Lane L. Larson (D)
Sen. Dave Lewis (R)
Sen. Greg Lind (D)
Sen. Corey Stapleton (R)
Sen. Bill Tash (R)
Sen. Mitch Tropila (D)
Sen. David E. Wanzenried (D)
Sen. Carol Williams (D)

Members Excused:

Sen. Dan Weinberg (D)

Members Absent: None.

Staff Present: Prudence Gildroy, Committee Secretary
Taryn Purdy, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: None.
Executive Action: HB 9; HB 512; HB 63; HB 512;
HB 160; HB 131; SB 566; HB 830

00:00:00 Reconvene

00:00:01 Sen. Schmidt

00:02:31 **Motion/Vote:** SEN. HAWKS moved TO WITHDRAW THE MOTION
DO CONCUR HB 830. Motion carried by voice vote.

EXECUTIVE ACTION ON HB 9

00:02:39 **Motion:** SEN. HAWKS moved that HB 9 BE CONCURRED IN.

00:05:08 **Motion:** SEN. SCHMIDT moved that AMENDMENT HB000955.ACD
BE ADOPTED.

EXHIBIT(fcs76b01)

Discussion:

00:05:49 Sen. Barkus to Sen. Schmidt

00:06:34 Cathy Duncan, Legislative Fiscal Division

00:08:37 Sen. Tropila to Sen. Hawks

00:09:10 Sen. Cooney

00:09:40 Sen. Stapleton to Sen. Schmidt

00:10:27 **Vote:** Motion carried 14-4 by voice vote with SEN.
BARKUS, SEN. LAIBLE, SEN. STAPLETON, and SEN. WILLIAMS
voting no.

00:10:40 **Motion:** SEN. HAWKS moved that HB 9 BE CONCURRED IN AS
AMENDED.

00:10:47 **Motion:** SEN. LAIBLE moved that AMENDMENT HB000950.ACD
BE ADOPTED.

EXHIBIT(fcs76b02)

Discussion:

00:12:25 Sen. Laible

00:14:20 Sen. Lewis to Cathy Duncan

00:15:39 Sen. Cooney

00:17:32 Sen. Hawks to Sen. Laible

00:18:07 Sen. Laible

00:18:20 **Vote:** Motion failed 5-14 by roll call vote with SEN. BALES, SEN. LAIBLE, SEN. LARSON, SEN. LIND, and SEN. TROPILA voting aye. SEN. WEINBERG voted no by proxy.

00:20:17 **Motion:** SEN. GALLUS moved that AMENDMENT HB000951.ACD BE ADOPTED.

EXHIBIT(fcs76b03)

Discussion:

00:20:21 Sen. Gallus

00:21:00 **Vote:** Motion carried 16-2 by voice vote with SEN. BARKUS and SEN. STAPLETON voting no.

00:21:19 **Motion/Vote:** SEN. HAWKS moved that HB 9 BE CONCURRED IN AS AMENDED. Motion carried 16-2 by voice vote with SEN. BARKUS and SEN. STAPLETON voting no.

EXECUTIVE ACTION ON HB 512

00:21:58 **Motion:** SEN. BRUEGGEMAN moved that HB 512 BE CONCURRED IN.

00:22:00 **Motion:** SEN. COONEY moved that AMENDMENT HB051251.ACD BE ADOPTED.

EXHIBIT(fcs76b04)

00:23:18 **Vote:** Motion carried 18-0 by voice vote.

00:26:04 Sen. Brueggeman withdrew his motion that HB 512 be concurred in

00:26:06 Sen. Schmidt

00:26:26 Sen. Hawks withdrew the motion to concur and the motion to amend.

EXECUTIVE ACTION ON HB 63

00:27:20 **Motion:** SEN. GALLUS moved that HB 63 BE CONCURRED IN.

00:27:25 **Motion:** SEN. BALES moved that AMENDMENT HB006305.AGP BE ADOPTED.

EXHIBIT(fcs76b05)

Discussion:

00:27:50 Sen. Bales

00:30:59 Sen. Hawks

00:32:48 Sen. Bales

00:35:29 **Vote:** Motion failed 6-13 by roll call vote with SEN. BALES, SEN. BARKUS, SEN. BRUEGGEMAN, SEN. LEWIS, SEN. STAPLETON, and SEN. TASH voting aye. SEN. GALLUS and SEN. WEINBERG voted no by proxy.

00:35:43 **Motion/Vote:** SEN. HAWKS moved that HB 63 BE CONCURRED IN AS AMENDED. Motion carried 18-0 by voice vote.

EXECUTIVE ACTION ON HB 512

00:36:07 **Motion:** SEN. BRUEGGEMAN moved that HB 512 BE CONCURRED IN.

00:36:20 **Motion:** SEN. COONEY moved that AMENDMENT HB051254.ACD BE ADOPTED.

EXHIBIT(fcs76b06)

Discussion:

00:37:35 Sen. Tropila to Sen. Cooney

00:38:14 Sen. Tropila to Cathy Duncan

00:39:54 Sen. Brueggeman

00:40:58 Sen. Bales to Sen. Cooney

00:43:34 **Vote:** Motion carried 15-3 by voice vote with SEN. BALES, SEN. BARKUS, and SEN. STAPLETON voting no.

00:43:59 **Motion:** SEN. COBB moved that HB 512 BE CONCURRED IN AS AMENDED.

00:44:11 Sen. Lewis to Jim Edgcomb, Department of Commerce

00:45:38 Sen. Barkus to Jim Edgcomb

00:48:00 **Vote:** Motion carried 18-0 by voice vote.

EXECUTIVE ACTION ON HB 160

00:50:08 **Motion:** SEN. COBB moved that HB 160 BE CONCURRED IN.

00:50:52 **Motion:** SEN. LAIBLE moved that AMENDMENT HB0016003.AJW BE ADOPTED.

EXHIBIT(fcs76b07)

Discussion:

00:51:38 Taryn Purdy

00:51:44 **Vote:** Motion carried 18-0 by voice vote.

00:52:06 **Motion:** SEN. SCHMIDT moved that AMENDMENT HB016001.ABS BE ADOPTED.

EXHIBIT(fcs76b08)

Discussion:

00:52:19 Taryn Purdy

00:52:34 Sen. Schmidt to Mary Sexton, Director, Department of Natural Resources (DNRC)

00:54:35 Sen. Laible

00:57:51 Sen. Hawks

00:59:22 Sen. Bales to Mary Sexton

01:01:41 Sen. Schmidt withdrew her amendment

01:01:53 Sen. Cobb withdrew his motion that HB 160 be concurred in.

EXECUTIVE ACTION ON HB 131

01:06:50 **Motion:** SEN. COBB moved that HB 131 BE CONCURRED IN.

01:06:58 **Motion:** SEN. COBB moved that HB013101.ATP BE ADOPTED.

EXHIBIT(fcs76b09)

Discussion:

01:07:00 Sen. Cobb

01:07:08 **Vote:** Motion carried 16-2 by voice vote with SEN. BARKUS and SEN. STAPLETON voting no.

01:09:53 Cobb withdrew his motion do concur

01:10:17 **Motion:** SEN. COBB moved that HB 131 BE CONCURRED IN.

01:10:34 **Motion:** SEN. COONEY moved that AMENDMENT HB013107.ATP BE ADOPTED.

EXHIBIT(fcs76b10)

Discussion:

01:11:01 Sen. Lewis

01:11:38 Sen. Tropila to Sen. Lewis

01:14:27 Taryn Purdy

01:15:11 Sen. Tropila to Taryn Purdy

01:15:43 Sen. Barkus to Taryn Purdy

01:16:36 Melanie Symons, Montana Public Employees Retirement System

01:18:40 Sen. Barkus

01:18:58 Sen. Lewis to Melanie Symons

01:19:43 Sen. Laible to Melanie Symons

01:21:42 Taryn Purdy

01:21:56 Sen. Tropila To Melanie Symons

01:22:48 **Vote:** Motion carried 12-6 by voice vote with SEN. BALES, SEN. BARKUS, SEN. LAIBLE, SEN. STAPLETON, SEN. TASH, and SEN. TROPILA voting no.

01:23:09 **Motion:** SEN. LARSON moved that AMENDMENT HB013105.AGP BE ADOPTED.

EXHIBIT(fcs76b11)

Discussion:

01:24:00 Sen. Lewis

01:25:18 Sen. Barkus

01:26:17 Sen. Gallus

01:27:34 Sen. Hawks

01:29:32 Sen. Brueggeman

01:30:08 Sen. Hawks

01:31:35 **Vote:** Motion carried 10-9 by roll call vote with SEN. COBB, SEN. COONEY, SEN. HAWKS, SEN. LAIBLE, SEN. LEWIS, SEN. SCHMIDT, SEN. WANZENRIED, SEN. WEINBERG, and SEN. WILLIAMS voting no. SEN. WEINBERG by proxy.

01:31:40 **Motion/Vote:** SEN. COBB moved that HB 131 BE CONCURRED IN AS AMENDED. Motion carried 18-0 by voice vote.

EXECUTIVE ACTION ON SB 566

01:32:31 **Motion:** SEN. HANSEN moved that SB 566 DO PASS.

01:32:39 Sen. Hawks

01:34:22 **Motion:** SEN. HAWKS moved that AMENDMENT SB056602.AGP BE ADOPTED.

EXHIBIT(fcs76b12)

Discussion:

01:35:25 Sen. Laible to Sen. Hawks

01:36:07 **Vote:** Motion carried 15-3 by voice vote with SEN. BARKUS, SEN. LAIBLE, and SEN. STAPLETON voting no.

01:36:28 **Motion:** SEN. HAWKS moved that SB 566 DO PASS AS AMENDED.

Discussion:

01:36:40 Sen. Stapleton

01:37:01 Taryn Purdy

01:37:37 Sen. Stapleton to Taryn Purdy

01:38:27 Sen. Bales to Taryn Purdy

01:39:55 Sen. Stapleton to Taryn Purdy

01:40:33 Sen. Hawks

01:40:55 **Vote:** Motion carried 13-3 by voice vote with SEN. BALES, SEN. BARKUS, and SEN. STAPLETON voting no.

01:41:46 Sen. Stapleton

01:42:06 Recess

02:03:37 Reconvene

EXECUTIVE ACTION ON HB 830

02:04:01 **Motion:** SEN. LIND moved that HB 830 BE CONCURRED IN AS AMENDED.

02:04:10 **Motion:** SEN. LIND moved that AMENDMENT HB083078.ACD BE ADOPTED.

EXHIBIT(fcs76b13)

Discussion:

02:05:59 Sen. Barkus to Sen. Lind

02:08:09 Sen. Hawks

02:09:04 Sen. Laible

02:11:08 Sen. Lind

02:12:39 **Vote:** Motion carried 10-9 by roll call vote with SEN. BALES, SEN. BARKUS, SEN. BRUEGGEMAN, SEN. COBB, SEN. LAIBLE, SEN. LEWIS, SEN. STAPLETON, SEN. TASH, and SEN. TROPILA voting no. SEN. WEINBERG voted aye by proxy.

02:12:58 **Motion:** SEN. LIND moved that AMENDMENT HB083076.ACD BE ADOPTED.

EXHIBIT(fcs76b14)

Discussion:

02:13:01 Sen. Lind

02:15:01 **Vote:** Motion carried 16-2 by voice vote with SEN. BRUEGGEMAN and SEN. LEWIS voting no.

02:15:28 **Motion:** SEN. LAIBLE moved that AMENDMENT HB083075.ACD BE ADOPTED.

EXHIBIT(fcs76b15)

Discussion:

02:17:05 Sen. Stapleton to Sen. Lind

02:18:39 Tom Livers, Department of Environmental Quality

02:19:42 Sen. Stapleton to Tom Livers

02:22:58 Sen. Brueggeman to Cathy Duncan

02:24:51 Sen. Stapleton

02:26:00 Sen. Brueggeman

02:26:24 Sen. Lind

02:28:00 **Vote:** Motion carried 14-5 by roll call vote with SEN. BALES, SEN. BARKUS, SEN. BRUEGGEMAN, SEN. STAPLETON, and SEN. TASH voting no. SEN. BARKUS and SEN. WEINBERG voted by proxy.

02:28:06 **Motion:** SEN. COONEY moved that AMENDMENT HB083077.ACD BE ADOPTED.

EXHIBIT(fcs76b16)

Discussion:

02:28:08 Sen. Cooney

02:33:19 Sen. Cobb to Sen. Cooney

02:34:28 Sen. Bales to Sen. Cooney

02:38:51 Sen. Lewis

02:39:48 Sen. Stapleton

02:41:10 Sen. Gallus

02:41:29 Sen. Cooney

02:43:49 **Vote:** Motion failed 7-12 by roll call vote with SEN. COONEY, SEN. GALLUS, SEN. WANZENRIED, SEN. WILLIAMS, and SEN. SCHMIDT voting aye. SEN. WEINBERG and SEN. LIND voted aye by proxy.

02:43:54 **Motion:** SEN. GALLUS moved that AMENDMENT HB083003.APG BE ADOPTED.

EXHIBIT(fcs76b17)

EXHIBIT(fcs76b18)

Discussion:

02:45:47 Sen. Bales to Sen. Gallus

02:46:34 Dr. Lynn Churchill

02:48:11 Sen. Lind to Dr. Lynn Churchill

02:49:54 Sen. Cooney to Sen. Gallus

02:51:02 Sen. Bales to Sen. Gallus

02:53:31 Sen. Gallus

02:55:23 **Vote:** Motion failed 2-17 by roll call vote with SEN. BRUEGGEMAN and SEN. GALLUS voting aye. SEN. WEINBERG voted no by proxy.

02:55:29 **Motion:** SEN. LEWIS moved that AMENDMENT HB083055.ACD BE ADOPTED.

EXHIBIT(fcs76b19)

Discussion:

02:58:21 Sen. Stapleton to Sen. Lewis

02:59:17 **Vote:** Motion carried 11-7 by roll call vote with SEN. BALES, SEN. HAWKS, SEN. LIND, SEN. SCHMIDT, SEN. STAPLETON, SEN. TROPILA, and SEN. WANZENRIED voting no.

03:00:35 **Motion:** SEN. HAWKS moved that AMENDMENT HB083070.ACD BE ADOPTED.

EXHIBIT(fcs76b20)

03:02:29 Sen. Hawks withdrew his amendment

03:02:41 **Motion:** SEN. HANSEN moved that AMENDMENT HB083058.ACD BE ADOPTED.

EXHIBIT(fcs76b21)

Discussion:

03:04:11 Sen. Cooney to Sen. Hansen

03:06:16 **Vote:** Motion carried 13-6 by roll call vote with SEN. BALES, SEN. COBB, SEN. COONEY, SEN. STAPLETON, SEN. WANZENRIED voting no. SEN. WEINBERG voted by proxy.

03:06:23 **Motion:** SEN. GALLUS moved that AMENDMENT HB083079.ACD BE ADOPTED.

EXHIBIT(fcs76b22)

03:08:03 Sen. Gallus

03:08:19 Sen. Tropila to Sen. Gallus

03:09:26 Sen. Gallus to Sen. Tropila

03:10:21 Sen. Lewis to Sen. Gallus

03:11:14 Sen. Lind to Cathy Duncan

03:11:49 Sen. Stapleton to Sen. Gallus

03:13:51 Sen. Gallus to Cathy Duncan

03:15:32 **Vote:** Motion failed 4-15 by roll call vote with SEN. COONEY, SEN. GALLUS, SEN. LARSON, and SEN. LEWIS voting aye. SEN. WEINBERG voted no by proxy.

03:15:43 **Motion:** SEN. HAWKS moved that AMENDMENT HB083070.ACD BE ADOPTED.

Discussion

03:19:50 Sen. Hawks

03:21:34 **Vote:** Motion passed 10-9 by roll call vote with SEN. BALES, SEN. BARKUS, SEN. BRUEGGEMAN, SEN. COONEY, SEN. GALLUS, SEN. LIND, SEN. STAPLETON, SEN. TROPILA, and SEN. WANZENRIED voting no. SEN. WEINBERG voted aye by proxy.

03:21:49 **Motion:** SEN. BARKUS moved AMENDMENT HB083081.ACD WITH CONCEPTUAL CHANGES STRIKING 1,2,4,6-12 TO REMOVE \$14.65 MILLION FOR THE OFFICE BUILDING BUT FUND THE SECURE SITE AND THE BACKUP SITE IN EASTERN MONTANA.

EXHIBIT(fcs76b23)

Discussion:

03:23:31 Sen. Hawks to Sen. Barkus

03:25:31 Sen. Cooney to Sen. Barkus

03:26:29 Sen. Cooney

03:27:27 Sen. Lewis

03:28:33 Sen. Cooney

03:30:22 Sen. Tropila to Sen. Barkus

03:31:03 Sen. Brueggeman

03:33:14 Sen. Bales

03:34:17 Sen. Barkus

03:35:49 **Vote:** Motion passed 11-7 by roll call vote with SEN. COONEY, SEN. GALLUS, SEN. HANSEN, SEN. SCHMIDT, SEN. TROPILA, SEN. WANZENRIED, and SEN. WILLIAMS voting no.

03:35:59 **Motion:** SEN. COONEY moved A CONCEPTUAL AMENDMENT TO AMENDMENT HB083074.ACD TO PUT \$2 MILLION BACK IN THE RECEIVING BUILDING.

Discussion:

03:36:46 Sen. Cooney

03:37:29 Sen. Laible

03:37:49 Sen. Bales to Sen. Cooney

03:38:30 Sen. Gallus

03:39:12 Sen. Stapleton

03:39:41 Sen. Cooney

03:40:29 Sen. Lind

03:41:31 Sen. Bales

03:44:11 Sen. Lind

03:44:42 Sen. Bales

03:45:24 Sen. Stapleton to Sen. Lind

03:49:02 Sen. Gallus

03:50:04 Sen. Tash

03:53:10 Sen. Cobb

03:54:44 Sen. Bales to John Chappuis, Department of Health and Human Services (DPHHS)

03:58:33 Sen. Wanzenried

03:58:40 Sen. Cooney

03:59:39 **Vote:** Motion carried 18-1 by roll call vote with SEN. BALES voting no. SEN. WEINBERG voted by proxy.

03:59:46 **Motion:** SEN. GALLUS moved AMENDMENT HB083066.ACD BE ADOPTED.

EXHIBIT(fcs76b24)

Discussion:

03:59:48 Sen. Gallus

04:01:39 **Vote:** Motion carried 10-8 by voice vote with SEN. BALES, SEN. BARKUS, SEN. COBB, SEN. GALLUS, SEN. LAIBLE, SEN. LEWIS, SEN. STAPLETON, and SEN. TASH voting no.

04:02:30 **Motion:** SEN. BARKUS moved that AMENDMENT HB083053.ACD BE ADOPTED.

EXHIBIT (fcs76b25)

04:05:05 Sen. Lind

04:05:18 Sen. Barkus

04:06:58 **Vote:** Motion carried 10-9 by roll call vote with SEN. COONEY, SEN. GALLUS, SEN. HANSEN, SEN. HAWKS, SEN. LIND, SEN. SCHMIDT, SEN. WANZENRIED, SEN. WEINBERG, and SEN. WILLIAMS voting no. SEN. WEINBERG voted by proxy.

04:07:07 **Motion:** SEN. WILLIAMS moved that AMENDMENT HB083099.AAG BE ADOPTED.

EXHIBIT (fcs76b26)

04:09:56 Sen. Tropila

04:10:02 Sen. Cooney

04:10:34 **Vote:** Motion carried 14-4 by voice vote with SEN. BALES, SEN. BARKUS, SEN. COONEY, and SEN. STAPLETON voting no.

04:11:06 Sen. Lind to Cathy Duncan re: Amendment HB083076.acd

04:13:58 **Motion/Vote:** SEN. HAWKS moved that HB 830 BE CONCURRED IN AS AMENDED. Motion carried 15-3 with SEN. LIND, SEN. STAPLETON, and SEN. WANZENRIED voting no.

ADJOURNMENT

Adjournment: 10:25 P.M.

SEN. TRUDI SCHMIDT, Chairman

PRUDENCE GILDROY, Secretary

TS/pg

Additional Exhibits:

EXHIBIT ([fcs76bad.pdf](#))